

IN RE: PETITION FOR VARIANCE
NE/Corner Beaver Dam Road and
Padonia Road
(9701 Beaver Dam Road)
8th Election District
3rd Councilmanic District

Brinker of Baltimore Co., Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-425-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 9701 Beaver Dam Road, located in the vicinity of Padonia Road in Cockeysville. The Petition was filed by the owner of the property, Brinker of Baltimore County, Inc., by Monte Rosenberg, Project Manager, through their attorney, Robert A. Hoffman, Esquire. The Petitioner seeks relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking to right-of-way setback of 4 feet and 8 feet in lieu of the required 10 feet, for a proposed restaurant. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Timothy Madden, Landscape Architect with Morris & Ritchie Associates, who prepared the site plan for this project, and Timmy Ruppertsberger, Esquire, Attorney for the Petitioner. Appearing as a Protestant in the matter was Richard L. Full, a nearby resident.

Testimony and evidence offered revealed that the subject property is an unimproved parcel of land consisting of a gross area of 2.04 acres, more or less, zoned M.L.-I.M., and is located at the northeast corner of Padonia Road and Beaver Dam Road. The Petitioner proposes to develop the

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site with a restaurant to be known as Romano's Macaroni Grill. The design of the proposed restaurant and related parking area are shown on Petitioner's Exhibit 1. Also shown on the plan is the landscaping proposed for this site which is extensive. Mr. Madden testified that due to the relocation of Beaver Dam Road and Padonia Road, which was initiated by Baltimore County, six of the parking spaces for the proposed restaurant will be located within the required setback distance to a street right-of-way. Specifically, one space on Padonia Road and five parking spaces along Beaver Dam Road are affected. Testimony indicated that the location of these six spaces will not affect the landscaping proposed for this site.

As noted above, Mr. Richard Full, a nearby property owner, appeared in opposition to the requested variance. Mr. Full noted that this area was formerly the site of the Genstar Stone Products Company and is now open for development. Inasmuch as this is a new development project for this area, Mr. Full believes that no variances should be granted in that it might set an unfortunate precedent for other future development which might take place.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

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5/30/97
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3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

After due consideration of the testimony presented by both the Petitioner's witnesses, as well as the Protestant, Mr. Full, I am persuaded to grant the variance requested. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the requirements from which the Petitioner seeks relief will result in a practical difficulty and unreasonable hardship for the Petitioner. As noted above, the necessity for the variance was generated by virtue of the relocation of the intersection of Beaver Dam Road and Padonia Road, at the direction of Baltimore County, and not from any decision made by the Petitioner as to the design of the proposed project. Furthermore, the requested variance will not impose upon the landscaping for the proposed site, nor adversely affect the surrounding locale. In my view the requested variance is appropriate in this instance, and meets the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of May, 1997 that the Petition for Variance seeking relief from Section 409.8.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a parking to right-of-way setback of 4 feet and 8 feet in lieu of the required 10 feet, for a proposed restaurant,

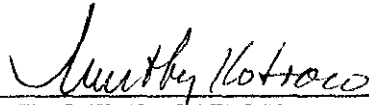
ORDER RECEIVED FOR FILING

Date

By

in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. ROTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 30, 1997

Robert A. Hoffman, Esquire
Timmy Ruppertsberger, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/Corner Beaver Dam Road and Padonia Road
(9701 Beaver Dam Road)
8th Election District - 3rd Councilmanic District
Brinker of Baltimore Co., Inc. - Petitioner
Case No. 97-425-A

Dear Messrs. Hoffman & Ruppertsberger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Monte Rosenberg, Brinker of Baltimore Co., Inc.
1990 Lakeside Parkway, Suite 220, Tucker, Ga. 30084

Mr. Tim Madden, Morris & Ritchie Associates
110 West Road, Suite 105, Towson, Md. 21204

Mr. Richard L. Full
12309 Michaelsford Road, Cockeysville, Md. 21030

People's Counsel; Case Files



RE: PETITION FOR VARIANCE

9701 Beaver Dam Road, NEC Padonia and
Beaver Dam Roads, 8th Election District,
3rd Councilmanic

Brinker of Baltimore Co., Inc.
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 97-425-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Variance

97-425-A

to the Zoning Commissioner of Baltimore County

for the property located at 9701 Beaver Dam Road

which is presently zoned ML-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

409.8.A.4 to permit a 4 ft. and 8 ft. distance from parking to right-of-way in lieu of the required 10 ft. setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200

Address

Phone No

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

Brinker of Baltimore Co., Inc.

(Type or Print Name)

By:

Signature Monte Rosenberg, Project Manager

(Type or Print Name)

Signature

1990 Lakeside Parkway

Suite 220

305-462-6828

Address

Phone No

Tucker

GA

30084

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

(410) 494-6200

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

3-31-97

425



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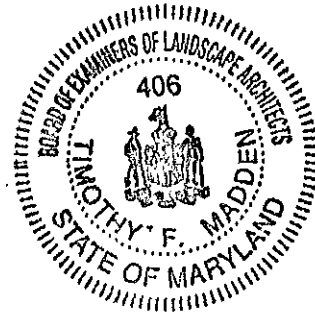
Date

By

ZONING DESCRIPTION FOR 9701 BEAVER DAM ROAD

97-425-A

Beginning at the intersection of the north side of Padonia Road, variable width, and the east side of Beaver Dam Road, 82 feet wide. Being Lot #1, "Final Plat, Lot 1, Redland Genstar, Inc. Property, Texas Complex" and recorded in Baltimore County Plat Book No. S.M.69, Folio 021, containing 2.444 Acres of land. Known as 9701 Beaver Dam Road and located in the Eighth Election District, 3rd Councilmanic District.



Tim Madden
3-20-97

425

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 17, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 17, 1997.

THE JEFFERSONIAN,
A. Henrickson
 LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified through as follows:

Case #97-425-A
 9701 Beaver Dam Road
 MEC Padonia and Beaver Dam Roads

8th Election District
 3rd Council District
 Legal District 13
 District of Baltimore County, Inc.

Proposed: A 4 foot wide and 4 foot high sign on the right-of-way in lieu of the required 10 foot setback.
 Hearing: Wednesday, May 14, 1997 at 11:00 a.m. in Rm. 118, Old Courthouse, 400 Washington Avenue.

LAWRENCE E. SCHMIDT
 Zoning Commissioner, for
 Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please call 887-3353.
 (2) For information concerning the File and/or Hearing, please call 887-3391.

4/25/97 April 17 C135814

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
SCCELLANEOUS CASH RECEIPT

No. 028768

DATE 3-30-97 ACCOUNT Root-615

AMOUNT \$ 250.00

RECEIVED FROM: Branch of Balm Co., Inc. 9701-Broadway Dam Rd.

UPR (020)

FOR: _____

01A0000012MICHRC \$250.00
RA-0009:26AM03-31-97

VALIDATION OR SIGNATURE OF CASHIER
D. J. TION
White - CASHIER PINK - AGENCY YELLOW - CUSTOMER

John



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-425-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 425

Petitioner: Brinker of BALTO. Co., Inc.

Location: ~~9990 ELLERIE PARKWAY~~ 9701 BONNE DAN RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ROBERT HOFFMAN, Esq.

ADDRESS: 210 ALLEGHENY AVE.
TOWSON MD. 21204

PHONE NUMBER: 410-494-6200

AJ:ggg

(Revised 09/24/96)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-425-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: VARIANCE TO PERMIT A 7FT. AND 8FT.
DISTANCE FROM PARKING TO RIGHT-OF-WAY
IN LIEU OF THE REQUIRED 10 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY
April 17, 1997 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson, Maryland 21204
410-494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-425-A
9701 Beaver Dam Road
NEC Padonia and Beaver Dam Roads
8th Election District - 3rd Councilmanic
Legal Owner(s): Brinker of Baltimore County, Inc.

Variance to permit a 4 foot and 8 foot distance from parking to right-of-way in lieu of the required 10 foot setback.

HEARING: WEDNESDAY, MAY 14, 1997 at 11:00 a.m., Room 118 Old Courthouse, 400 Washington Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 14, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-425-A
9701 Beaver Dam Road
NEC Padonia and Beaver Dam Roads
8th Election District - 3rd Councilmanic
Legal Owner(s): Brinker of Baltimore County, Inc.

Variance to permit a 4 foot and 8 foot distance from parking to right-of-way in lieu of the required 10 foot setback.

HEARING: WEDNESDAY, MAY 14, 1997 at 11:00 a.m., Room 118 Old Courthouse, 400 Washington Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Brinker of Baltimore Co., Inc.
Robert A. Hoffman, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 29, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 9, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 425
Case No.: 97-425-A
Petitioner: Brinker of Balto. Co.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 31, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4-15-97
Item No. 425 JCM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

L. J. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

INTEROFFICE CORRESPONDENCE

Date: April 21, 1997

SUBJECT: Zoning Advisory Committee Meeting
for April 21, 1997
Item No. 425

This office supports the requested variance. The final landscape plan was approved on April 12, 1996.

cc: File

ZONE421.425

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: April 14, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 425

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at 887-3495

Prepared by:

Jeffrey W. Long

Division Chief:

Arnold F. Keller

AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: April 14, 97

DATE: 4/30/97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 425

RBS:sp

BRUCE2/DEPRM/TXTSBP



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APR 16 1997
PDM
6410 887-1500

Printed on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Tim Madden, MRA

110 West Road Towson, Md.

Timmy Ruppertsberger VB+H

210 Allegheny Ave Towson Md



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

RICHARD L. FULL

12309 MICHAELSFORD RD 21030



ARRY

97-425-A

POWER

POND

COMPANY

P E N N S Y L V A N I A

PADONIA

ML-1M

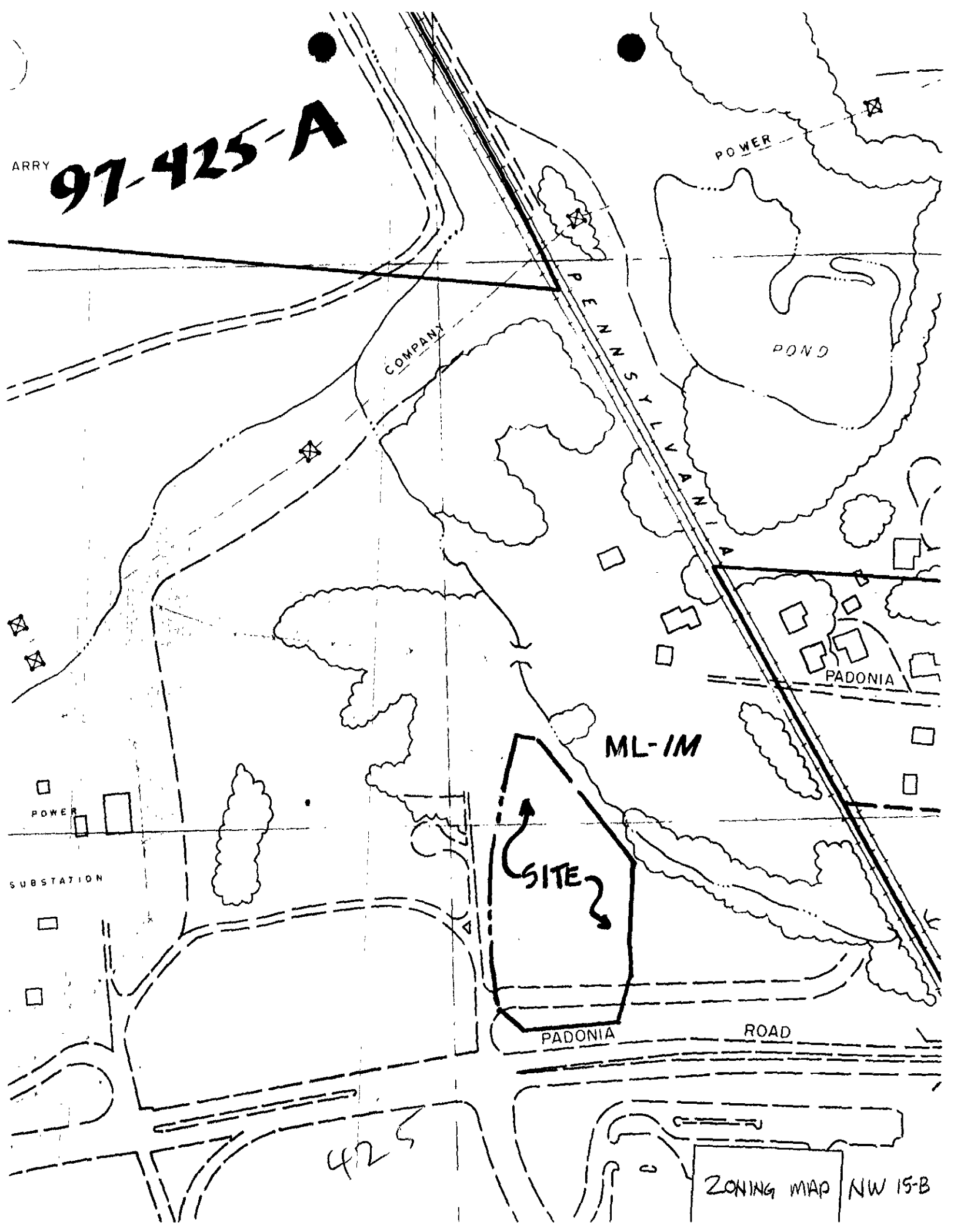
SITE

PADONIA

ROAD

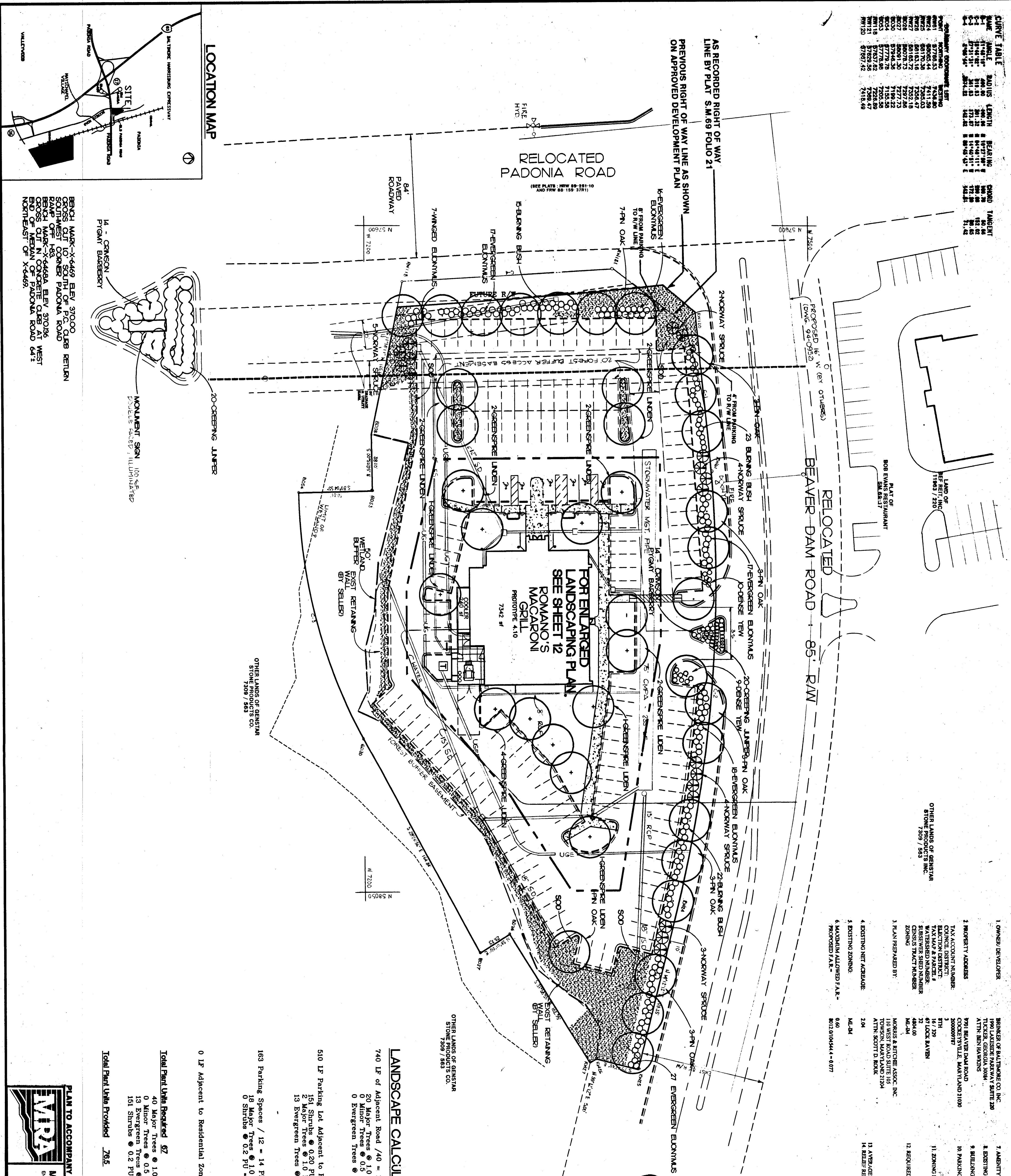
425

ZONING MAP NW 15-B



CURE TABLE						
WAVE	ANGLE	RADIUS	LENGTH	BEARING	CHORD	TANGENT
B-1	71°59'18"	400.00	940.06	10°57'34.87"	180.70	50.56
C-1	71°59'48"	310.32	811.32	14°04'05.11"	179.80	152.02
D-1	72°01'31"	241.33	673.57	16°43'59.72"	177.80	86.55
E-1	72°03'54"	204.42	563.83	18°48'45.47"	165.81	71.42

SOLARWAY DOCKERS LIST	
PORT	WESTING
FW01	87/88.33
FW02	88/88.44
FW23	88/70.18
FW24	88/70.18
FW25	88/68.72
FW26	88/68.72
FW27	88/68.72
FW28	88/68.72
FW29	88/68.72
FW30	88/68.72
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FW96	88/68.72
FW97	88/68.72
FW98	88/68.72
FW99	88/68.72
FW00	88/68.72



1. OWNER/ DEVELOPER	BRINKER OF BALTIMORE CO. INC 1990 LASSIE PARKWAY SUITE 300 ATLANTA, GEORGIA 30308	
2. PROPERTY ADDRESS	7901 NEVIER DALL ROAD DUNWOODY, MARYLAND 21030	
3. TAX ACCOUNT NUMBER:	2000007771	
4. COUNCIL DISTRICT	1TH	
5. ELECTION DISTRICT	1TH	
6. DISTRICT NUMBER	1TH	
7. VASSERED NUMBER	37	
8. VASSERED PERM NUMBER	37	
9. VASSERED TRACT NUMBER	61400	
10. ZONING	MD-4M	
11. PLAN PREPARED BY:	MORRIS & KITCHEN ASSOC. INC 10000 WOODBURN DRIVE TOWSON, MARYLAND 21204	
12. PLAN PREPARED BY:	ATLANTA SCOTT D. BOKAL	
13. AVERAGE DAILY TRAFFIC	204	
14. RELEASER REQUESTED:	MD-3M	
15. VARIANCE AREA SECTION 409 B.A. TO PERMIT A 7 DISTANCE FROM PARKING TO RIGHT OF WAY INSTEAD OF THE REQUIRED 10' SETBACK	0.60 0.02 0.0044 4 + 0.077	
16. NOISE REQUIRED		
17. ROAD SETBACK		
18. BUILDING HEIGHT		
19. PARKING DATA, RESTAURANT:		
20. SPACES PROVIDED = 123		
21. ZONING HISTORY:		
22. REQUIRED SETBACKS		
23. REQUIRED		
24. FRONT	25	160'
25. LEFT	25	165'
26. RIGHT	15	100'
27. REAR	30'	100'

97-425-A

PETITIONER'S
EXHIBIT 1

LANDSCAPE CALCULATIONS

740 LF of Adjacent Road / 40 = 18 Plant Units
20 Major Trees @ 1.0 PU = 20 PU
13 Evergreen Trees @ 0.5 PU = 6.5 PU
Total Provided: 20 PU > 19 PU

510 LF Parking Lot Adjacent to Public R/W / 15 = 34 Plant Units
161 Shrubs @ 0.20 PU = 30 PU
13 Evergreen Trees @ 2.0 PU = 6.5 PU
Total Provided: 38.5 PU > 34 PU

163 Parking Spaces / 12 = 14 Plant Units
18 Major Trees @ 1.0 PU = 18 PU
0 Shrubs @ 0.2 PU = 0 PU
Total Provided: 18 PU > 14 PU

0 LF Adjacent to Residential Zoning / 15 = 0 Plant Units
Total Provided: 18 PU > 14 PU

Total Plant Units Provided: 67
40 Minor Trees @ 1.0 PU = 40 PU
0 Major Trees @ 0.5 PU = 0 PU
13 Evergreen Trees @ 0.5 PU = 6.5 PU
161 Shrubs @ 0.2 PU = 30 PU
Total Plant Units Provided: 76.5
76.5 PU > 67 PU

MPA

MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
 110 West Road, Suite 105
 Towson, Maryland 21204
 (410) 821-7630
 Fax: (410) 821-1748

REVISIONS
48 HOURS PRIOR TO DISCARD IN THIS AREA CALL MISS UTILITY 800-257-7777

NOTES

1. All plants material shall be native grown and shall contain the maximum and specifications as set forth by the American Association of Nurseries, Inc.
2. All planting procedures, soil conditioning, fertilization, mulching, and watering shall conform to the standards and guidelines for the Baltimore-Washington Metropolitan Area's, latest edition.
3. All disturbed areas not to be seeded planted with grass. The contractor shall water and maintain the grass until a healthy stand is established.
4. All plant bags, trees, shrub material, etc. shall receive a weed barrier and minimum of 4" of shredded hardwood bark mulch.
5. All trees shall be pruned and staked per the definition.
6. The Contractor shall provide a one year warranty from the date of acceptance.
7. The Contractor shall perform a soil test on the existing and proposed topsoil and apply lime and fertilizer as recommended.
8. The permanent grass seed mix shall be the best tested Fescue Advantage Kentucky 31.
9. Responses to the plan, plant type, or quantity shall be approved the local governing agency and the owner.
10. The Sod shall be K-31 Fescue.

BRINKER INTERNATIONAL
150 S 12th STREET
SUITE 200
FT. LAUDERDALE, FLORIDA 33316
ATTN: Mr. BILL GASTFORD
306-462-9628

Tax Account - 6/300000097/87
Election District - 8
Precinct - 6-46-292-2
Voted in - 67 (Clock Room)
Succeeded in - 32
Congress Term No. 42-00-00
Elected Height - 2725' AN
Street Address - 9701 Beacon Dam Road
City - HOUSTON TEXAS 77055
Phone - 281-240-7400
Fax - 281-240-7400

Site Area - 2.40 AC.

FCK

**Freedland-Clinkscales
& Kaufman, Inc.**
209 West Stone Avenue
Greenville, South Carolina 29609
804-233-8957
fax 804-233-8915

ROMANOS
Macaroni
GRILL

BALTIMORE COUNTY
COCKEYSVILLE, MARYLAND

PLAN TO ACCOMPANY
VARIANCE PETITION

Date VME/JC	PEC Issd:06-07	Drawing
Check KK	Date: 2-17-07	1 OF 1